IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.574 OF 2004

Ibrahim K. Shaikh .. Appellant
(Original Defd.No.2)

vs.

Zubeda Noor Ahmed Shaikh
& Others .. Respondents
(Respd. No.1 Orig. Pltff)

Shri I.M.Khairdi, Advocate for the Appellant.

Mr.Suresh L. Shah, Advocate for the Respondent No.1.

CORAM : A.S.OKA, J.

DATED : 16th March, 2005.

P.C. :

1. Heard Counsel appearing for the parties. The challenge in this Second Appeal is to the final decree passed in the partition proceeding by the trial court and confirmation thereof by the Appellate Court.

2. The challenge to the impugned judgment and decree by the learned Counsel appearing for the Appellants is that the partition suggested by the Commissioner is not equitable and the partition

will be in violation of the relevant Development Control Regulations as by partition there will be a sub division of the plots, which will reduce the area of the sub-plots below the permissible area provided in the Development Control Regulations.

3. The Courts below have considered the report of the Commissioner and considered the objections to the Commissioners report. The final decree has been passed on appreciation of evidence.

4. No substantial question of law arises. Second Appeal is dismissed with no orders as to costs.

. C.C.expedited.

(A.S.Oka,J.)